

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

TITLE 31: PUBLIC SAFETY

PART 3: DRIVER SERVICES AND CRIMINAL INFORMATION CENTER RULEMAKING ORAL PROCEEDINGS ADMINISTRATIVE CODE

Part 3 Chapter 1 Rulemaking Oral Proceedings

Rule 1.1 Model Rules

This chapter consists of model rules for oral proceedings held to provide the public an opportunity to comment on submissions made under the Administrative Procedures Act and the Rules in this Title. The Secretary of State's Office is required to provide these model rules under *Miss. Code Ann.* § 25-43-2.105. Agencies are not required to adopt these model rules.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 1.2 Application of Chapter.

This chapter applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations or written input on proposed new rules, amendments to rules, and proposed repeal of existing rules before the Mississippi Department of Public Safety pursuant to the Administrative Procedures Act.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 1.3 Request for Oral Proceeding.

When a political subdivision, an agency, or a citizen requests an oral proceeding in regards to a proposed rule adoption, the requestor must submit a printed, typewritten, or legibly handwritten request.

1. Each request must be submitted on 8-1/2" x 11" white paper.
2. The request may be in the form of a letter addressed to the Mississippi Department of Public Safety or in the form of a pleading as if filed with a court.
3. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
4. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 1.4 Notice of Oral Proceeding.

Notice of the date, time, and place of all oral proceedings shall be filed with the Secretary of State's Office for publication in the Administrative Bulletin. The agency providing the notice shall provide notice of oral proceedings to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of the notice with the Secretary of State. The Agency Head, or designee who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 1.5 Public Participation Guidelines.

Public participation shall be permitted at oral proceedings in accordance with the following:

1. At an oral proceeding on a proposed rule, persons may make statements and present documentary and physical submissions concerning the proposed rule.
2. Persons wishing to make oral presentations at such a proceeding shall notify the Mississippi Department of Public Safety at least three business days prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not contacted the Mississippi Department of Public Safety prior to the proceeding.
3. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
4. The presiding officer may place time limitations on individual presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
5. Persons making presentations are encouraged to avoid restating matters that have already been submitted in writing. Written materials may, however, be submitted at the oral proceeding.
6. Where time permits and to facilitate the exchange of information, the presiding officer may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding. No participant shall be required to answer any question.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).

Rule 1.6 Submissions and Records.

Physical and Documentary Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Mississippi Department of Public Safety, part of the rulemaking record, and are subject to the Mississippi Department of Public Safety's public records request procedure. The Mississippi Department of Public Safety may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann.* § 25-43-2.105 (Rev. 2006).